

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**APPEAL FROM ORDER NO. 661 OF 2014
WITH
CIVIL APPLICATION NO. 796 OF 2014
WITH
APPEAL FROM ORDER NO. 662 OF 2014
WITH
CIVIL APPLICATION NO. 797 OF 2014
WITH
APPEAL FROM ORDER NO. 663 OF 2014
WITH
CIVIL APPLICATION NO. 798 OF 2014**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Harshad Inamdar for the appellant.

Mr. S. K. Sonawane for the respondent/BMC.

CORAM : K. K. TATED, J.

DATED : 10/02/2015.

PC.:

. Heard learned Counsel for the parties.

2 These Appeals from Order are preferred by original plaintiff challenging the order dated 25.06.2014 passed by the Trial Court declining to grant ad-interim relief in terms of draft Notice of Motion.

3 The learned Counsel for the appellant submits that the respondent corporation issued notice under Section 354A of M.M.C. Act in respect of alleged unauthorised construction. He submits that

thereafter, the appellant replied the said notice stating that they carried out repairs to the existing structure. In spite of that reply, the Designated Officer passed order dated 17.06.2014 holding that appellant failed to place on record satisfactory evidence to show that they carried out only repairs to the existing structure. That order was challenged by the appellant plaintiff in the Bombay City Civil Court, Bombay and preferred draft Notice of Motion for ad-interim relief restraining respondent corporation from taking any action pursuant to the notice under Section 354A of M.M.C. Act and order passed by the Designated Officer. He further submits that the Trial Court in paragraph 3 of the impugned order stated that the respondent defendant has not filed any reply and therefore, there is no question of granting any ad-interim stay. He further submits that till today the respondent corporation has not filed affidavit-in-reply to the Notice of Motion.

4 Considering the submissions made by the learned Counsel for the appellant and respondent corporation has not filed their affidavit-in-reply till today, following order is passed.

a) Respondent corporation is directed to file their affidavit-in-reply in pending Notice of Motion within four weeks from today and serve copy on other side.

b) Trial Court is directed to decide all Notice of Motions as early as possible, in any case, on or before 30.04.2015.

c) Till the hearing and final disposal of the Notice of Motion, parties are directed to maintain status quo as of today.

d) The appellant is restrained by order of injunction from creating any third party rights, title and interest in respect of suit structure till the hearing and final disposal of the Notice of Motion.

e) Liberty granted to the appellant original plaintiff to file their rejoinder, if any, within one week from the receipt of affidavit-in-reply from the Corporation.

f) The Appeals from Order are partly allowed in above terms. No order as to costs.

g) In view of disposal of Appeals from Order nothing survives in the Civil Applications. Same are dismissed as infructuous.

(K.K.TATED, J.)